

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: John Robert Trochowski, III) Case No. 24-10019-CMB
)
) Chapter 13
)
Debtor.) Related to Doc. No. 6
)
X

ORDER OF COURT
(Check Boxes That Apply)

☒ Confirming Plan on Final Basis ☒ Chapter 13 Plan dated:
01-09-24

☐ Authorizing Distributions Under Plan ☐ Amended Chapter 13 dated:
On Interim Basis Solely as Adequate
Protection

IT IS HEREBY ORDERED that the Chapter 13 Plan Payment is \$1511.82 effective 2/2024.

IT IS HEREBY ORDERED that pursuant to the plan identified above (the “Plan”), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee’s next available distribution date after the first day of the month following the date on which this Order is entered on the Court’s docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$1,683, beginning 4/24. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee’s TFS online payment program.

- ☐ B. The length of the Plan is changed to a total of at least ____ months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.
- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. *Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.* The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:

-
- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-
- ☒ K. Additional Terms and Conditions:
*with 100% to unsecured pool of \$10,562.26

**All plan payments must be by TFS, WA, or (where eligible) ACH. Trustee reserves the right to reject money orders or cashier's checks, provided further that if she, in her discretion, presents such items for payments she may keep the funds on hold for more than 30 days before distributing on such types of payments. Debtors making payments by money order or cashier's check assume the risk that distributions under the plan will be delayed because of the failure to pay by one of the approved methods.*

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and*

522 shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.


E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: March 28, 2024


Hon. Carlota M. Böhm **jah**
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk

FILED
3/28/24 11:09 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:
John Robert Trochowski, III
Debtor

Case No. 24-10019-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: auto

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Date Rcvd: Mar 28, 2024

Form ID: pdf900

Total Noticed: 68

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 30, 2024:

Recip ID	Recipient Name and Address
db	+ John Robert Trochowski, III, 3421 Post Avenue, Erie, PA 16508-2035
15673816	ACL, P.O. Box 740631, Cincinnati, OH 45274-0631
15673817	+ Americo Federal Credit Union, 4101 Main Street, Erie, PA 16511-1967
15673819	Associated Clinical Lab, P.O. Box 740631, Cincinnati, OH 45274-0631
15673818	Associated Clinical Lab, P.O. Box 64845, Baltimore, MD 21264-4845
15673820	+ Associated Clinical Laboratories, ATTN: Bankruptcy, 1526 Peach Street, Erie, PA 16501-2190
15673821	+ Associated Clinical Laboratories, ATTN: Bankruptcy, PO Box 630626, Cincinnati, OH 45263-0626
15673826	+ Bayview Dispositions IVB, LLC, ATTN: Bankruptcy, Suite #500, 4425 Ponce Deleon Blvd., Miami, FL 33146-1873
15673829	+ Berkheimer, c/o David R. Gordon, Esq., 1883 Jory Road, Pen Argyl, PA 18072-9652
15673831	+ Berkheimer Tax Administration, HAB-DLT Legal, PO Box 20662, Lehigh Valley, PA 18002-0662
15673839	+ CMS ID Proofing Service, ATTN: Bankruptcy, 7500 Security Blvd., Windsor Mill, MD 21244-1849
15673833	+ Carney & Good, 254 West 6th Street, Erie, PA 16507-1398
15673836	+ Christine Bennett, Esq., c/o Americo FCU, 4101 Main St., Erie, PA 16511-1967
15673844	+ Daniel Lutz, Esq., 3600 Horizon Drive, Suite #150, King of Prussia, PA 19406-4702
15673846	+ Erie County Tax Claim Bureau, Erie County Courthouse, 140 West Sixth Street, Room 110, Erie, PA 16501-1029
15673848	+ Franklin American Mortgage Company, ATTN: Bankruptcy Dept., 55 Ferncroft Road, Suite #404, Danvers, MA 01923-4001
15673851	+ J.P. Morgan Mortgage Acquisition Corp, ATTN: Bankruptcy Dept., 383 Madison Avenue, 8th Floor, New York, NY 10179-0001
15673855	+ Joey Mancuso, 4413 Elmwood Avenue, Erie, PA 16509-1309
15673856	+ Jonathan Lobb, Esq., 803 Winchester Court, West Chester, PA 19382-6205
15673857	+ Louis J. Aliota, 538 Margo Court, Erie, PA 16505-2112
15673860	+ MERS, 1901 Vorhees Street, Suite C, Danville, IL 61834-4512
15673858	+ Matthew J. Parini, Esq., c/o Placidi Parini Grasinger Page, 502 West 7th Street, Erie, PA 16502-1333
15673859	+ Meridian Asset Services, LLC, ATTN: Bankruptcy, 3201 34th Street South, Saint Petersburg, FL 33711-3828
15673862	Mortgage Electronic Services, Inc., P.O. Box 2026, Flint, MI 48501-2026
15673863	+ Nav Technologies, ATTN: Bankruptcy, 13693 S 200 West, Suite #200, Draper, UT 84020-2418
15673866	+ Patrick W. Kelley, Esquire, Sebald & Hackwelder, 2503 West 26th Street, Erie, PA 16506-3261
15673867	Placidi, Parini, Grasinger & Page, ATTN: Bankruptcy Dept., 502 W. 7th St., Erie, PA 16502-1333
15673869	+ Robert D. Wendt, Esq., 275 Curry Hollow Road, Building #1, Suite #280, Pittsburgh, PA 15236-4655
15673870	+ Robert P. Wendt, Esq., 275 Curry Hollow Road, Bldg #1, Suite #280, Pittsburgh, PA 15236-4655
15673872	Secretary of Housing & Urban Development, 451 7th Street, Washington, DC 27410-8000
15673873	+ Secretary of Housing & Urban Development, ATTN: Bankruptcy Dept., The Strawbridge Building, 801 Market Street, 12th Floor, Philadelphia, PA 19107-3126
15673880	+ Wilmington Trust, NA, ATTN: Bankruptcy, 1100 North Market Street, Wilmington, DE 19890-0001
15673881	+ Wilmington Trust, NA not in individually, as Owner Trustee of OSAT Trust 2021-1, ATTN: Bankruptcy Dept., 1100 North Market Street, Wilmington, DE 19890-1100

TOTAL: 33

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
15673828	Email/Text: dltlegal@hab-inc.com	Mar 29 2024 00:10:00	Berkheimer, P.O. Box 25153, Lehigh Valley, PA 18002-5153
15673832	Email/Text: dltlegal@hab-inc.com	Mar 29 2024 00:10:00	Berkheimer Tax Innovations, ATTN: Bankruptcy, PO Box 21690, Lehigh Valley, PA 18002
15673823	+ Email/Text: creditcardbkcorrespondence@bofa.com		

District/off: 0315-1

User: auto

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Total Noticed: 68

		Mar 29 2024 00:10:00	Bank of America, N.A., ATTN: Bankruptcy, 400 National Way, Simi Valley, CA 93065-6414
15673825	+ Email/Text: creditcardbkcorrespondence@bofa.com	Mar 29 2024 00:10:00	Bank of America, N.A., ATTN: Bankruptcy, 4909 Savarese Circle, Tampa, FL 33634-2413
15673824	+ Email/Text: creditcardbkcorrespondence@bofa.com	Mar 29 2024 00:10:00	Bank of America, N.A., ATTN: Bankruptcy Dept., 400 National Way, Simi Valley, CA 93065-6414
15673822	+ Email/Text: mortgagebkcorrespondence@bofa.com	Mar 29 2024 00:10:00	Bank of America, N.A., ATTN: Bankruptcy, 100 North Tryon Street, Charlotte, NC 28255-0001
15673827	+ Email/Text: BKMailBayview@bayviewloanservicing.com	Mar 29 2024 00:10:00	Bayview Loan Servicing, ATTN: Bankruptcy, Suite #500, 4425 Ponce Deleon Blvd., Miami, FL 33146-1873
15673830	+ Email/Text: dltlegal@hab-inc.com	Mar 29 2024 00:10:00	Berkheimer Innovations, ATTN: Bankruptcy Street, 50 N. Seventh Street, Bangor, PA 18013-1731
15673838	Email/Text: bky@clicklease.com	Mar 29 2024 00:10:00	Click Lease LLC, ATTN: Bankruptcy, 1182 W. 2400 South, Suite A, Salt Lake City, UT 84119
15673834	+ Email/Text: dl-csgbankruptcy@charter.com	Mar 29 2024 00:11:00	Charter Communications, nka Spectrum, ATTN: Bankruptcy, 3627 Zimmerman Road, Erie, PA 16510-2642
15673835	+ Email/Text: dl-csgbankruptcy@charter.com	Mar 29 2024 00:11:00	Charter Communications/Spectrum, ATTN: Bankruptcy, 400 Atlantic Street, Stamford, CT 06901-3512
15673837	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Mar 29 2024 00:20:06	CitiFinancial, ATTN: Bankruptcy, 1000 Technology Drive, O Fallon, MO 63368-2239
15673840	+ Email/PDF: creditonebknotifications@resurgent.com	Mar 29 2024 00:19:44	Credit One, ATTN: Bankruptcy, 6801 South Cimmaron Road, Las Vegas, NV 89113-2273
15673843	+ Email/PDF: creditonebknotifications@resurgent.com	Mar 29 2024 00:19:30	Credit One Bank, ATTN: Bankruptcy, 6801 S. Cimarron Road, Las Vegas, NV 89113-2273
15673841	Email/PDF: creditonebknotifications@resurgent.com	Mar 29 2024 00:19:46	Credit One Bank, P.O. Box 60500, City of Industry, CA 91716-0500
15673842	+ Email/PDF: creditonebknotifications@resurgent.com	Mar 29 2024 00:19:34	Credit One Bank, ATTN: Bankruptcy, PO Box 98875, Las Vegas, NV 89193-8875
15673845	+ Email/Text: bknotice@ercbpo.com	Mar 29 2024 00:11:00	Enhanced Recovery Company, ATTN: Bankruptcy, 8014 Bayberry Road, Jacksonville, FL 32256-7412
15673847	+ Email/Text: mortgagebksupport@citizensbank.com	Mar 29 2024 00:11:00	Franklin American Mortgage Company, ATTN: Bankruptcy Dept., 6100 Tower Circle, Suite #600, Franklin, TN 37067-1505
15673850	Email/Text: sbse.cio.bnc.mail@irs.gov	Mar 29 2024 00:10:00	IRS, ATTN: Bankruptcy, 1000 Liberty Avenue, M/S #711B, Pittsburgh, PA 15222
15673854	Email/Text: JCAP_BNC_Notices@jcap.com	Mar 29 2024 00:11:00	Jefferson Capital Systems, LLC, ATTN: Bankruptcy, PO Box 7999, Saint Cloud, MN 56302
15673852	+ Email/Text: JCAP_BNC_Notices@jcap.com	Mar 29 2024 00:11:00	Jefferson Capital System, ATTN: Bankruptcy, PO Box 772813, Chicago, IL 60677-0113
15673853	+ Email/Text: JCAP_BNC_Notices@jcap.com	Mar 29 2024 00:11:00	Jefferson Capital Systems, LLC, ATTN: Bankruptcy, 200 14th Avenue East, Sartell, MN 56377-4500
15673861	^ MEBN	Mar 29 2024 00:06:29	Mortgage Electronic Registration, Systems, Inc., P.O. Box 2026, Flint, MI 48501-2026
15673864	+ Email/Text: RVSVCBICNOTICE1@state.pa.us	Mar 29 2024 00:11:00	PA Dept of Revenue, ATTN: Bankruptcy, 1 Revenue Place, Harrisburg, PA 17129-0001
15673865	Email/Text: RVSVCBICNOTICE1@state.pa.us	Mar 29 2024 00:11:00	Pa. Dept. of Revenue, Dept. 280946, Harrisburg, PA 17128-0946

District/off: 0315-1

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15673868	+ Email/Text: JCAP_BNC_Notices@jcap.com	Mar 29 2024 00:11:00	Platinum MC, ATTN: Bankruptcy, c/o Jefferson Capital Systems, 16 McClelland Road, Saint Cloud, MN 56303-2198
15673877	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Mar 29 2024 00:11:00	SPS Servicing, Inc., ATTN: Bankruptcy, PO Box 65250, Salt Lake City, UT 84165-0250
15673878	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Mar 29 2024 00:11:00	SPS Servicing, Inc., ATTN: Bankruptcy, 3217 South Decker Lake Drive, Salt Lake City, UT 84119-3284
15673871	+ Email/Text: enotifications@santanderconsumerusa.com	Mar 29 2024 00:11:00	Santander Consumer USA, ATTN: Bankruptcy, 8585 N. Stemmons Freeway, Dallas, TX 75247-3836
15673875	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Mar 29 2024 00:11:00	Select Portfolio Servicing, Inc., ATTN: Bankruptcy, PO Box 65250, Salt Lake City, UT 84165-0250
15673876	+ Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Mar 29 2024 00:11:00	Select Portfolio Servicing, Inc., ATTN: Bankruptcy, 3217 S. Decker Lane Dr., Salt Lake City, UT 84119-3284
15695619	Email/Text: BNCnotices@dcm services.com	Mar 29 2024 00:10:00	UPMC PHYSICIAN SERVICES, PO BOX 1123, MINNEAPOLIS, MN 55440-1123
15673874	Email/PDF: OGCRegionIIIBankruptcy@hud.gov	Mar 29 2024 00:20:06	Secretary of Housing & Urban Development, ATTN: Bankruptcy Dept., William Moorhead Federal Building, 1000 Liberty Ave., Suite #1000, Pittsburgh, PA 15222
15673879	+ Email/Text: nsm_bk_notices@mrcooper.com	Mar 29 2024 00:10:00	Wilmington Savings Fund Society FSB, 15480 Luguna Canyon Road, Suite 100, Irvine, CA 92618-2132
15696492	Email/Text: BKSPSElectronicCourtNotifications@spservicing.com	Mar 29 2024 00:11:00	Wilmington Trust, National Association at. el, c/o Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City UT 84165-0250

TOTAL: 35

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Wilmington Trust, National Association not in its
15673849	*	Internal Revenue Service, ATTN: Centralized Insolvency Operations, P.O. Box 7346, Philadelphia, PA 19101-7346

TOTAL: 1 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 30, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

District/off: 0315-1

User: auto

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 28, 2024 at the address(es) listed below:

Name	Email Address
Denise Carlon	on behalf of Creditor Wilmington Trust National Association not in its individual capacity but solely as Owner Trustee of OSAT Trust 2021-1 dcarlon@kmlawgroup.com
Michael S. Jan Janin	on behalf of Debtor John Robert Trochowski III mjanjanin@quinnfirm.com, slowe@quinnfirm.com;mtrayer@quinnfirm.com;gbeeko@quinnfirm.com;quinnbankruptcy2022@gmail.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com

TOTAL: 4